

**In the Matter Of:**

*USA vs*

*MARTAVIUS FREEMAN*

*2:20-cr-20058-JTF-1*

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*PROCEEDING*

*August 18, 2020*

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**Proceeding - August 18, 2020**

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TENNESSEE  
3 WESTERN DIVISION

4 UNITED STATES OF AMERICA, )  
5 )  
6 Plaintiff, )  
7 )  
8 VS. ) NO. 2:20-cr-20058-JTF-1  
9 )  
10 )  
11 MARTAVIUS FREEMAN, )  
12 )  
13 Defendant. )  
14 )  
15 )  
16 )  
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18 )  
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20 )  
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23 )  
24 )

BE IT REMEMBERED, that the above-captioned cause came on to be heard, on this, the 18TH of AUGUST, 2020, beginning at approximately 10:00 a.m., before the HONORABLE CHARMIANE E. CLAXTON, Judge presiding, when and where the following proceedings were had, to wit:

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PLEASE NOTE: All exhibits were retained by the court clerk and are NOT attached.

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1 P R O C E E D I N G S

2 10:26 a.m.

3 THE COURT: All right. We are here to --  
4 all right. We are here to continue the suppression  
5 hearing in the matter of United States versus  
6 Freeman. We stopped in the middle of testimony from  
7 one of the government's witnesses.

8 What did I do -- Mr. Nkrumah wanted to get  
9 some information from the United States regarding --  
10 I believe it was a situation regarding some  
11 recordings.

12 MR. NKRUMAH: That is correct, Your Honor.

13 THE COURT: All right. And how did y'all  
14 work that out?

15 MR. NKRUMAH: Your Honor, I had a  
16 conversation with AUSA Allen, Gregory -- Greg  
17 Allen -- a few days after we adjourned the hearing.  
18 Mr. Allen informed me that he had contacted the  
19 Memphis Police Department and spoke with -- with an  
20 officer who -- who spoke with another officer.

21 MR. ALLEN: That's correct, Your Honor.  
22 Essentially, the recordings do not exist. The --  
23 I've contacted Sergeant Overly (phonetic) with OCU.  
24 We got in contact with an individual by the name of

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1 John O'Connor. This -- both of them advised that  
2 these recordings are on an encrypted -- or these --  
3 what he was asking for is things that are on an  
4 encrypted channel, but they are not kept in the  
5 recordings; that's because of the OCU's nature.

6 Sometimes they do things with Title III  
7 intercepts that are under state seal, so they can't  
8 violate the orders of the court. They also deal  
9 with undercover and confidential informants. So  
10 they don't keep these recordings like regular MPD  
11 would, so there's nothing to obtain.

12 I can also tell the Court, as an officer  
13 of the court, in my seven, eight years as a defense  
14 attorney practicing here in Shelby County, I never  
15 once saw these recordings. So it's my understanding  
16 they don't exist. I followed that up with OCU who  
17 said they do not exist. So I don't think there's  
18 anything to produce.

19 THE COURT: Are you satisfied with that  
20 response, Mr. Nkrumah?

21 MR. NKRUMAH: Your Honor, after speaking  
22 with Mr. Allen, I believe it would be fruitless to  
23 subpoena an officer from MPD to take the stand to  
24 say that these recordings don't exist.

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1 THE COURT: Okay.

2 MR. NKRUMAH: We -- we're willing to  
3 stipulate that the recordings do not exist, based on  
4 Mr. Allen's investigation.

5 THE COURT: Okay. So where do we want  
6 to -- do we want to continue with the officer's --  
7 first, let me -- I don't have my notes from last  
8 time, which disturbs me.

9 MR. NKRUMAH: We were in the middle of  
10 Detective Kent's cross-examination.

11 THE COURT: Right. So do you want to  
12 continue with him?

13 MR. NKRUMAH: Yes, I do, Your Honor.

14 THE COURT: All right. Mr. Allen, if  
15 you'll go get him, please.

16 (WHEREUPON, THE STENOGRAPHER REQUESTS  
17 CLARIFICATION.)

18 MR. NKRUMAH: Detective Kent, K-E-N-T.  
19 And his first name -- I don't have it.

20 THE COURT: We'll get that when he gets  
21 back on the stand, then.

22 (WHEREUPON, DETECTIVE CHRIS KENT ENTERS  
23 THE COURTROOM.)

24 THE COURT: If you'll come on up,

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1 Detective Kent, and resume your place at the witness  
2 stand. And you're still under oath from last  
3 appearance.

4 If you would, sir -- if you would, state  
5 and spell your first and last name for the record,  
6 again, please.

7 THE WITNESS: Chris Kent; C-H-R-I-S;  
8 K-E-N-T.

9 THE COURT: Thank you, sir.

10 MR. NKRUMAH: May I continue, Your Honor?

11 THE COURT: You may, sir.

12 MR. NKRUMAH: Thank you.

13 DETECTIVE CHRIS KENT,  
14 having been first duly sworn, was examined and  
15 testified as follows:

16 CONTINUED CROSS-EXAMINATION

17 BY MR. NKRUMAH:

18 Q. Good morning, Detective Kent.

19 A. Good morning.

20 Q. Just as the last time -- just like the  
21 last time on August the 4th, I'm going to ask you  
22 some questions this morning about the events  
23 surrounding your encounter with my client,  
24 Mr. Martavius Freeman, on February 2nd of 2019,



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1 understand?

2 A. Yes, sir.

3 Q. If I ask you a question that you do not  
4 understand, please let me know that you do not  
5 understand the question. Okay?

6 A. Okay.

7 Q. Is it fair to say that if you don't let me  
8 know and you answer the question, that -- that I --  
9 it's fair for me to assume that you would've  
10 understood my question, right?

11 A. Yes.

12 Q. Detective Kent, when running a license  
13 plate, you can contact dispatch for that  
14 information, right?

15 A. You can.

16 Q. Okay. And --

17 THE COURT: And one thing I'll ask you,  
18 Detective: You can pull the mic, so if you're --  
19 there you go. So that way -- and you can pull it  
20 closer to you. Just got to make sure, with these  
21 masks and everything -- and a little bit for you  
22 also, Mr. Nkrumah -- you speak up a little bit more  
23 or pull up the mic closer to you just to make sure  
24 we can hear y'all.

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1 MR. NKRUMAH: Yes, Your Honor.

2 THE COURT: Thank you, gentlemen.

3 BY MR. NKRUMAH:

4 Q. And that request -- if you make it through  
5 dispatch and the response from dispatch, those  
6 items -- those -- that information would be  
7 recorded, wouldn't it?

8 A. I believe so.

9 Q. And you, Detective, on February 2nd, chose  
10 to run the request through an unmonitored and  
11 unrecorded line, correct?

12 A. I didn't -- I didn't request  
13 (indiscernible) information --

14 (WHEREUPON, THE STENOGRAPHER REQUESTS  
15 CLARIFICATION.)

16 THE COURT: Mr. Sowell, can we -- let's  
17 see what we can do.

18 (WHEREUPON, A DISCUSSION WAS HAD OFF THE  
19 RECORD, AND THEN THE PROCEEDINGS CONTINUED AS  
20 FOLLOWS:)

21 THE COURT: If you'll repeat the question,  
22 Mr. Nkrumah, that'll be good.

23 BY MR. NKRUMAH:

24 Q. And so correct me if I'm wrong, Detective,

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1 when you requested license plates information on the  
2 Altima, you requested that information through the  
3 channel that was not recorded, correct?

4 (WHEREUPON, A MICROPHONE INTERRUPTION WAS  
5 HAD.)

6 THE CLERK: You want me to call IT?

7 THE COURT: Yeah, go ahead and call IT.  
8 Let's go off.

9 (WHEREUPON, A DISCUSSION WAS HAD OFF THE  
10 RECORD, AND THEN THE PROCEEDINGS CONTINUED AS  
11 FOLLOWS:)

12 THE COURT: All right. We were on -- the  
13 last question was about the license check, if it was  
14 through dispatch, would be recorded. That's the  
15 last thing I've got written down.

16 A. I ran the license plate on my  
17 department-issued PDA.

18 BY MR. NKRUMAH:

19 Q. And you don't have anything to verify that  
20 you, in fact, did run the license through the PDA on  
21 your smartphone, do you?

22 A. No.

23 Q. And you were accessing the database,  
24 weren't you, when you ran it through the PDA?

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1 A. Yes.

2 Q. Detective, you consider yourself a  
3 professional, don't you?

4 A. I do.

5 Q. And you would agree with me that there's  
6 more to being a detective than just strapping on a  
7 gun and a uniform, even if -- even if it's a  
8 plain-clothes uniform; am I right, Detective?

9 A. Yes.

10 Q. And it takes certain educational  
11 requirements to become a detective, doesn't it?

12 A. To be --

13 Q. A police officer?

14 A. Yes. To become a police officer, you have  
15 to have -- there are certain requirements.

16 Q. And some of -- and some of those  
17 requirements are educational, correct?

18 A. Some.

19 Q. You have to have a high school diploma,  
20 don't you?

21 A. Yes.

22 Q. You have to have two years of college?

23 A. I'm not familiar with what the current  
24 requirements are.

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**12**

1 Q. Okay. But there are some educational  
2 requirements.

3 I mean, you can't get this job without  
4 having a high school diploma, right?

5 A. Yes.

6 Q. And to become -- become a detective, not  
7 only do you have to reach those -- meet those  
8 educational requirements, but you also go through --  
9 through the police academy, right?

10 A. That's just to become a normal police  
11 officer.

12 Q. But you've gone through the police  
13 academy, right?

14 A. Yes.

15 Q. And once you've gone through the police  
16 academy, you can get out the police academy, and you  
17 have on-the-street training, correct?

18 A. Yes.

19 Q. And even before all of that, the  
20 department gives you refresher courses on everything  
21 that you learned in the academy?

22 A. Yes.

23 Q. And they give you refresher courses on  
24 everything that you learned in on -- on-the-street

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1 training?

2 A. Yes.

3 Q. And you also receive additional  
4 educational training for different -- different  
5 things that come up, like new techniques and the  
6 sort, correct?

7 A. Yes.

8 Q. Okay. I want to take you back to your  
9 training in the academy for a second, and your  
10 street training, but mostly in the academy.

11 One of the things they taught you in the  
12 academy was the importance of filling our forms  
13 correctly, wasn't it?

14 A. Yes.

15 Q. Completely?

16 A. Yes.

17 Q. And accurate, right?

18 A. Yes.

19 Q. And you were also taught the importance of  
20 why you should form -- fill out those forms  
21 accurately and completely, right?

22 A. Yes.

23 Q. And because being complete in your -- in  
24 your reports is important because those reports may

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1 be relied upon by other law enforcement officers,  
2 right?

3 A. Yes.

4 Q. Those reports -- being complete and  
5 accurate in your affidavits, right?

6 A. Yes.

7 Q. It's important because judges rely on  
8 those affidavits, right?

9 A. Yes.

10 Q. And it's important to be complete and  
11 accurate in your police -- police forms and your  
12 affidavits because defense attorneys like me -- we  
13 rely on that, right?

14 A. Yes.

15 Q. Detective Kent, back on the 4th of this  
16 month, you testified that one of your reasons for  
17 stopping the Altima was because it was speeding,  
18 correct?

19 A. Yes.

20 Q. Westbound on Johnson Street?

21 A. Yes.

22 Q. And you also testified that you were  
23 sitting southbound on Vandalia Street, right?

24 A. Yes.

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1 Q. You testified that you weren't running a  
2 radar that day -- that day, right?

3 A. That's correct.

4 Q. You also testified that you weren't using  
5 any standalone radar, such as the radar that's used  
6 to clock people's speed when they're going through a  
7 school zone, to determine the speed of the vehicle  
8 that day, right?

9 A. That's correct.

10 Q. On February 2, 2019, Detective, you  
11 appeared before Judicial Commissioner Rhonda W.  
12 Harris in the criminal court of Shelby County,  
13 didn't you?

14 A. Yes.

15 Q. And you appeared in front of Judge Harris  
16 after you had already arrested Mr. Freeman, correct?

17 A. I did.

18 Q. And that was after you had completed all  
19 of the forms, including the affidavit of complaint,  
20 correct?

21 A. Yes.

22 Q. And that was after you'd spoken to the  
23 county prosecutor about the -- about the arrest and  
24 the affidavit, correct?



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1           A.       I don't remember a specific conversation  
2 with the (indiscernible.)

3                   (WHEREUPON, THE STENOGRAPHER REQUESTS  
4 CLARIFICATION.)

5                   THE COURT: Wait just a second. Our court  
6 reporter needs a clarification.

7           A.       I don't remember a specific conversation  
8 with the prosecutor -- with any prosecutor.

9                   THE COURT: Please continue, sir.

10 BY MR. NKRUMAH:

11           Q.       But you did appear in front of Judicial  
12 Commissioner Harris on February the 2nd, 2019,  
13 correct?

14           A.       I did.

15           Q.       And you took an oath that -- that day when  
16 you appeared in front of Judge Harris, right?

17           A.       I did.

18           Q.       And you took the -- and in taking that  
19 oath, you were basically stating that the facts that  
20 you had in the affidavit were complete and true,  
21 correct?

22           A.       Yes.

23           Q.       And also accurate, correct?

24           A.       Yes.

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1 Q. And you also signed the affidavit  
2 attesting to the facts therein, right?

3 A. I did.

4 MR. NKRUMAH: Your Honor, I request that  
5 this -- one second, Your Honor.

6 THE COURT: Sure.

7 MR. NKRUMAH: Your Honor, at this time I  
8 request that this affidavit of complaint be marked  
9 as Exhibit Number 1 for identification. At this  
10 time, I'll show it to the prosecutor.

11 MR. ALLEN: Judge, if we could just pass  
12 it to Mr. Kent and -- Detective Kent -- make sure  
13 it's the same one that he's signed, then I don't --

14 THE COURT: That's what I was going to  
15 say. I don't know if he's identified it as being --

16 MR. ALLEN: Right.

17 MR. NKRUMAH: May I approach the witness?

18 THE COURT: Absolutely, sir.

19 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT  
20 WAS PASSED TO THE WITNESS.)

21 BY MR. NKRUMAH:

22 Q. That's the affidavit you signed,  
23 Detective?

24 A. It looks like a copy of it.

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1 Q. Detective --

2 MR. NKRUMAH: Your Honor, I'd like to  
3 identify that as Exhibit 1 for identification.

4 THE COURT: You want it for ID, or do you  
5 want to admit it?

6 MR. NKRUMAH: Oh, I'm going to go on.

7 Oh, I'm sorry, Your Honor. My apologies.

8 THE COURT: That's okay.

9 BY MR. NKRUMAH:

10 Q. Detective --

11 THE COURT: So we're going to move its  
12 admission as Exhibit 1?

13 MR. NKRUMAH: Yes, Your Honor.

14 THE COURT: So Mr. Sowell will need it so  
15 he can put a sticker on it, then we can pass it back  
16 to the witness.

17 MR. NKRUMAH: I was going to ask him if  
18 he -- if he looked the bottom of the signature and  
19 if the signature was actually his to put it on the  
20 record.

21 THE COURT: Okay. All right. We'll go  
22 ahead and do all of that. I thought you already  
23 asked him that.

24 BY MR. NKRUMAH:

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1 Q. Detective, that affidavit of complaint --  
2 does it fairly and accurately reflect the original  
3 affidavit of complaint that you filed with the  
4 judicial commissioner on February 2, 2019?

5 A. Yes.

6 Q. And is that your signature at the bottom  
7 of the affidavit?

8 A. It is.

9 MR. NKRUMAH: Your Honor, at this time I  
10 move that Exhibit Number 1 be admitted for --  
11 admitted as evidence.

12 THE COURT: Any objection?

13 MR. ALLEN: No, Your Honor.

14 THE COURT: Without objection, the  
15 affidavit of complaint will be Exhibit 1.

16 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT  
17 WAS MARKED AS EXHIBIT NO. 1 TO THE TESTIMONY OF THE  
18 WITNESS AND WAS RETAINED BY THE COURT CLERK.)  
19 BY MR. NKRUMAH:

20 Q. Detective, back on February 2nd, didn't  
21 you swear in your affidavit -- one second. My  
22 apologies.

23 Detective, on February 2, 2019, didn't  
24 you -- in front of Judge Harris, didn't you swear in

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**20**

1 your affidavit that -- didn't you swear in your  
2 affidavit about the direction of the Altima?

3 A. I did.

4 Q. And in that affidavit, you stated, on  
5 two -- in that affidavit, I'm looking at the second  
6 paragraph, full paragraph, starting with "on  
7 2/2/2019." Do you see it, Detective?

8 A. Yes, sir.

9 Q. And in your affidavit, you stated: On  
10 2/2/2019 at 16:50 hours, Detectives C. Kent and  
11 J. Redding observed a gray Nissan Altima eastbound  
12 on Hale Road traveling approximately 45 miles per  
13 hour in a 25-mile-per-hour zone.

14 That's what's in your affidavit, correct?

15 A. It is.

16 Q. And that's not the testimony that you gave  
17 here the other day, is it?

18 A. It's not.

19 Q. You also testified about the speed that  
20 the vehicle was going, correct?

21 A. I did.

22 Q. And you weren't able to ascertain the  
23 speed that the vehicle was going on that day, right?

24 A. Not the exact speed.

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1 Q. Not the exact speed.

2 So when you put 45 miles -- 45 in a  
3 25-mile-per-hour zone in your affidavit, that was  
4 just -- that was a number that you just put in the  
5 affidavit, right?

6 A. No. That was the approximate speed that I  
7 observed the vehicle going.

8 Q. And you observed that with your plain  
9 eyesight, correct?

10 A. Yes, sir.

11 Q. On February 2nd -- that day at 16:50  
12 hours, that's in the wintertime, isn't it?  
13 February.

14 A. I guess.

15 Q. It's a winter month, right?

16 A. Yes.

17 Q. And about 4:50, 5:00, it's getting dark at  
18 that time, isn't it?

19 A. I'm not sure what time the sun sets in  
20 February.

21 Q. Okay. But you would agree with me that it  
22 gets dark early in the wintertime, correct?

23 A. The sun does go down earlier in the  
24 wintertime, yes.

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1 Q. Okay. And so -- so again, you -- your  
2 testimony is that you were able to observe and -- as  
3 the sun was going down, this vehicle coming down  
4 Johnson Street traveling at 45 miles an hour, right?

5 A. Approximately.

6 Q. Approximately.

7 And you were able to do that with just  
8 plain eyesight, right?

9 A. Yes.

10 Q. And to your knowledge, Detective,  
11 Mr. Mason, the driver of the Nissan -- he wasn't  
12 issued a citation for speeding, right?

13 A. Not for speeding.

14 Q. And to your knowledge -- and other than  
15 your word, Detective, there's nothing that indicate  
16 how -- there's nothing that would -- that would  
17 corroborate your indication that he was traveling at  
18 45 miles per hour, right?

19 A. Not to my knowledge.

20 Q. You also testified on direct, Detective,  
21 that the driver of the Nissan made two turns without  
22 signaling, right?

23 A. I did.

24 Q. And that was another reason that you gave

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1 for stopping the Altima, wasn't it?

2 A. Yes.

3 Q. And like the reason about the speeding,  
4 you didn't notify dispatch that you were making a  
5 traffic stop, right?

6 A. No.

7 Q. And just like the speeding, there's no --  
8 there was no dashcam recording of this stop, right?

9 A. There is not.

10 Q. And there -- and there was no body cam  
11 recording of the stop, either, right?

12 A. There's not.

13 Q. As a matter of fact, the organized crime  
14 unit -- y'all don't wear body cam, right?

15 A. We did not at that time.

16 Q. You did not at that time.

17 And -- but at that time, it was a -- even  
18 though it was a -- even though it was a department  
19 policy that officers wear body cam, your unit wasn't  
20 wearing body cam at that time, right?

21 A. It was a policy for uniform patrol.

22 Q. The same thing for vehicle -- department  
23 vehicles; they have to have dashcams on -- in the  
24 vehicles, correct?



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1           A.       I don't know that they had to have them.

2           Q.       But at that time, the Memphis Police  
3 Department was issuing dashcams for all of the  
4 vehicles, correct?

5           A.       (Indiscernible) marked patrol cars, yes.

6                   (WHEREUPON, THE STENOGRAPHER REQUESTS  
7 CLARIFICATION.)

8           A.       To marked patrol cars.

9 BY MR. NKRUMAH:

10          Q.       So there's no dashcam recording of these  
11 violations of no turn signals, right?

12          A.       There is no dashcam footage.

13          Q.       And there's no body-cam footage of it,  
14 either, right?

15          A.       There's no body-cam footage.

16          Q.       And there's no ticket for Mr. -- to  
17 Mr. Mason for -- for making a turn with no signals,  
18 right, to your knowledge?

19          A.       There's no ticket for speeding.

20          Q.       And there's no ticket for -- Detective,  
21 you didn't issue Carlos Mason a ticket for speeding,  
22 do you -- did you?

23          A.       No.

24          Q.       Nor did you issue him a ticket for failure

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1 to signal during a turn, did you?

2 A. I don't believe so. I'm not sure.

3 MR. NKRUMAH: One moment, Your Honor.

4 Your Honor, may I approach the witness?

5 THE COURT: Yes, sir.

6 (WHEREUPON, A DOCUMENT WAS PASSED TO THE  
7 WITNESS.)

8 BY MR. NKRUMAH:

9 Q. Detective, could you read that document to  
10 yourself, please?

11 A. I have.

12 Q. Does that document help refresh your  
13 memory?

14 A. It does.

15 Q. May I have it back, please?

16 Detective, you didn't issue a ticket for  
17 failure to use signals while turning, correct?

18 A. I did not.

19 Q. You also testified that neither Mr. Mason  
20 nor Mr. Freeman were wearing seat belts, right?

21 A. That's correct.

22 Q. And that was another reason for you  
23 stopping the vehicle?

24 A. Yes.

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1 Q. Just as -- just as all the rest of the  
2 reasons that you've given: You didn't contact  
3 dispatch regarding this stop, right?

4 A. I did not.

5 Q. You didn't contact dispatch regarding the  
6 fact that you were stopping a vehicle for the  
7 occupants' failure to wear the seat belts, correct?

8 A. Correct.

9 Q. You didn't body cam it? There's no  
10 body-cam footage of them not wearing the seat belts?

11 A. There is no body-cam footage.

12 Q. And no cam -- no dashcam recording,  
13 either?

14 A. There's no dashcam recording.

15 Q. Okay. At some point after the stop of the  
16 vehicle, you detained Mr. Freeman in the vehicle for  
17 a short period of time, correct?

18 A. I'm sorry; I didn't hear you.

19 Q. After the -- after you and your partner  
20 stopped the vehicle, y'all detained Mr. Freeman and  
21 Mr. Mason in the vehicle?

22 A. In our vehicle?

23 Q. No.

24 Strike that; I'm sorry.

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1           After stopping the vehicle, you and your  
2 partner approached the vehicle that Mr. Mason and  
3 Mr. Freeman were in, correct?

4           A.     Yes.

5           Q.     You approached on the passenger side?

6           A.     I did.

7           Q.     And your partner on the driver side?

8           A.     Yes.

9           Q.     And you stated -- you testified on the 4th  
10 that your partner began talking to Mr. Mason,  
11 correct?

12          A.     He did.

13          Q.     And you could overhear that conversation,  
14 correct?

15          A.     Yes.

16          Q.     And this was at the same time while you  
17 were speaking to Mr. Freeman, correct?

18          A.     Yes.

19          Q.     And you were both -- and you and your  
20 partner were questioning Mr. -- questioning  
21 Mr. Mason and Mr. Freeman, correct?

22          A.     We were asking them questions, if that's  
23 what you mean.

24          Q.     You were asking them questions, right?

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1 A. Yes.

2 Q. And you were asking them questions like  
3 where were they coming from?

4 A. I don't remember if that was one of the  
5 questions.

6 Q. What were they doing, where they were  
7 going?

8 A. I'm sure (indiscernible) --

9 (WHEREUPON, THE STENOGRAPHER REQUESTS  
10 CLARIFICATION.)

11 A. I'm sure those were some of the questions  
12 we asked.

13 BY MR. NKRUMAH:

14 Q. Your partner also asked Mr. Mason if there  
15 was anything in the vehicle, right?

16 A. I believe so, yes.

17 Q. And after asking Mr. Mason if there was  
18 anything in the vehicle, Mr. Mason stated that there  
19 was, that he had some marijuana, correct?

20 A. Yes.

21 Q. And at that time, your partner took  
22 Mr. Mason out of the vehicle, correct?

23 A. He did.

24 Q. And Mr. Mason actually showed your partner

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1 where the marijuana was in the vehicle, correct?

2 A. I believe he pointed to it.

3 Q. In the middle console, correct?

4 A. Yes.

5 Q. And Mr. Mason claimed that that was his,  
6 correct?

7 A. Yes.

8 Q. So at that point, your partner arrested  
9 Mr. Mason for the marijuana, correct?

10 A. Yes.

11 Q. And after arresting Mr. Mason -- while  
12 this was going on, Mr. Freeman was still sitting in  
13 the vehicle, wasn't he?

14 A. He was.

15 Q. And while sitting in the vehicle, you were  
16 still talking to Mr. Freeman, right?

17 A. I was.

18 Q. You were still questioning Mr. Freeman?

19 A. Yes.

20 Q. Okay. And Mr. Freeman wasn't the driver,  
21 was he?

22 A. He was not.

23 Q. Okay. So after questioning Mr. Freeman --  
24 after questioning Mr. Freeman, you decided to take

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**30**

1 Mr. Freeman out of the vehicle, correct?

2 A. Yes.

3 Q. Now, at this time, Mr. Freeman had not  
4 committed any traffic violations, did he?

5 A. He wasn't wearing his seat belt.

6 Q. Based on your testimony, right?

7 A. Yes.

8 Q. Okay. Other than not wearing a seat belt,  
9 he hadn't committed any other crimes, to your  
10 knowledge, right?

11 A. Not to my knowledge.

12 Q. Okay. But you took Mr. Mason out of the  
13 vehicle?

14 A. I did.

15 Q. And you detained him in your vehicle,  
16 correct?

17 A. I did.

18 Q. And after detaining Mr. Mason in the  
19 vehicle, you searched the vehicle?

20 A. Yes.

21 Q. Now, this search -- it occurred shortly  
22 after the stop, correct?

23 A. Yes.

24 Q. Can I say about -- within three to five

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1 minutes after the stop?

2 A. I think that's fair.

3 Q. Okay. And you began searching the  
4 vehicle.

5 Now, Mr. Freeman was in the vehicle, and  
6 Mr. Mason was detained in your vehicle also, right?

7 A. They were both detained in our squad car,  
8 yes.

9 Q. Okay. And you conducted the search,  
10 correct?

11 A. I searched one side; my partner searched  
12 the other side.

13 Q. Okay. You searched the passenger side?

14 A. Yes.

15 Q. And your partner searched the driver side?

16 A. Yes.

17 Q. And after searching the passenger side,  
18 you found contraband, correct?

19 A. What I believe to be contraband.

20 Q. What you believe to be contraband.

21 Okay. After finding that contraband, you  
22 spoke to both Mr. Mason and Mr. Freeman, correct?

23 A. Yes.

24 Q. And they both denied that the contraband



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1 belonged to them, correct?

2 A. No.

3 Q. At that time, someone admitted that the  
4 contraband that you found in the vehicle belonged to  
5 them?

6 A. After we found the contraband, we hadn't  
7 changed locations to our office at  
8 (indiscernible) --

9 (WHEREUPON, THE STENOGRAPHER REQUESTS  
10 CLARIFICATION.)

11 THE WITNESS: I'm sorry.

12 A. We changed locations to our office at 51  
13 South Flicker Street where we Mirandized both  
14 Mr. Freeman and Mr. Mason. At which point,  
15 Mr. Freeman claimed the contraband that I located in  
16 the rear floorboard of the passenger side of the  
17 vehicle.

18 Q. So after finding the contraband, you  
19 arrested both Mr. Freeman and Mr. Mason, correct?

20 A. Yes.

21 Q. And you took them down to your precinct,  
22 correct?

23 A. Yes.

24 Q. And after taking them to the precinct, you

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1 Mirandized both of them, correct?

2 A. I did not Mirandize Mr. Mason myself, but  
3 I -- myself and my partner Mirandized Mr. Freeman.

4 Q. Your partner and yourself Mirandized  
5 Mr. Freeman?

6 A. Yes.

7 Q. And after Mirandizing Mr. Freeman, at  
8 first Mr. Freeman denied that the contraband was  
9 his, correct?

10 A. I don't think so.

11 Q. And then after that, you went to go speak  
12 with Mr. Mason; isn't that true?

13 A. I don't remember ever speaking with  
14 Mr. Mason.

15 Q. And after coming back -- after speaking  
16 with Mr. Mason, that's when my client allegedly gave  
17 his statement, correct?

18 A. I don't remember ever speaking with  
19 Mr. Mason.

20 Q. Maybe your partner did?

21 A. We had two other partners who I believe  
22 were speaking with Mr. Mason.

23 Q. Okay. Okay. So then -- okay. So -- so  
24 you and your partner was speaking with Mr. Freeman?

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1           A.       Yes.

2           Q.       And two other detectives were speaking  
3 with Mr. Mason?

4           A.       Yes.

5           Q.       Now, all of this occurred shortly after --  
6 all of this occurred within a short period of time  
7 after the -- after the initial stop, wouldn't you  
8 agree?

9           A.       I guess it depends on your definition of  
10 "short."

11          Q.       I'll say like a hour maybe. Between the  
12 stop, the search, the transport to the station, and  
13 the interrogation, about an hour, right?

14          A.       Approximately.

15          Q.       Approximately a hour, maybe a little less?

16          A.       Well, the interview of Mr. Mason may have  
17 gone longer than the hour, but I think we were  
18 probably on our way to our office within an hour of  
19 the traffic stop, and possibly beginning  
20 (indiscernible) --

21                   (WHEREUPON, THE STENOGRAPHER REQUESTS  
22 CLARIFICATION.)

23          A.       And possibly beginning the interview  
24 within an hour of that traffic stop.

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1           (WHEREUPON, A DISCUSSION WAS HAD WITH THE  
2 STENOGRAPHER OFF THE RECORD, AND THEN THE  
3 PROCEEDINGS CONTINUED AS FOLLOWS:)

4           MR. NKRUMAH: Can I ask the court reporter  
5 to please repeat the last question and answer?

6           (WHEREUPON, THE REPORTER READS BACK THE  
7 REQUESTED PORTION.)

8 BY MR. NKRUMAH:

9           Q. With the interview of Mr. Freeman, would  
10 you agree with me, Detective, that the -- that  
11 the -- from the moment of the stop until the time  
12 that Mr. Freeman gave his statement, maybe an hour  
13 and a half had passed?

14          A. Until we -- I guess. I don't -- I don't  
15 really remember the exact time frame.

16          Q. But it wasn't a lengthy period of time,  
17 right?

18          A. No.

19          Q. It wasn't five, six hours which had  
20 passed, right?

21          A. No.

22          Q. You didn't have to go back and forth with  
23 Mr. Freeman and fight with him about it's yours, and  
24 it's not yours. You didn't have to do that with

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1 Mr. Freeman, right?

2 A. No, we did not.

3 Q. He -- not soon after he had been  
4 transported to the station by you, he confessed to  
5 the possession of the contraband, correct?

6 A. Yes.

7 MR. NKRUMAH: No further questions, Your  
8 Honor.

9 THE COURT: Any redirect?

10 MR. ALLEN: Yes, Your Honor.

11 Your Honor, if I may approach the witness?

12 THE COURT: You may.

13 (WHEREUPON, A DOCUMENT WAS PASSED TO THE  
14 WITNESS.)

15 REDIRECT EXAMINATION

16 BY MR. ALLEN:

17 Q. Detective Kent, you were asked a couple  
18 questions earlier regarding a citation issued to the  
19 driver Carlos Mason. Do you recall those questions?

20 A. Yes.

21 Q. You were asked if you issued a citation to  
22 Mr. Mason for speeding or a turn violation. Do you  
23 recall that?

24 A. I do.

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1           Q.     Those weren't included in your citation,  
2 but you did charge him with several other things,  
3 right?

4           A.     I did.

5           Q.     You charged him with vehicle registration  
6 violation?

7           A.     Yes.

8           Q.     And seat belt?

9           A.     Yes.

10          Q.     Marijuana?

11               MR. NKRUMAH:  Objection, Your Honor;  
12 leading.

13               MR. ALLEN:  I can rephrase.

14               THE COURT:  Rephrase, please.

15 BY MR. ALLEN:

16          Q.     If -- tell us what you recall actually  
17 charging Mr. Mason with.

18          A.     Violation of vehicle registration.

19               MR. NKRUMAH:  Objection, Your Honor.  He's  
20 reading from the document.

21 BY MR. ALLEN:

22          Q.     If you recall.  If you need to refresh  
23 your recollection, I can -- do you recall what you  
24 charged Mr. Mason with?

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1 A. Yes.

2 Q. Tell the Court.

3 A. Violation of vehicle registration law;  
4 violation of seat belt law; driving while license  
5 suspended, revoked, or canceled; and possession of  
6 marijuana.

7 Q. Okay. Is it common in your experience,  
8 when you have charges that are more severe than  
9 certain traffic violations, that you don't always  
10 charge the lesser offenses such as speeding?

11 A. Yes.

12 Q. In your experience, is that kind of just  
13 piling on?

14 A. Yes.

15 Q. In this case, if you recall, do -- tell  
16 the Court why you chose not to charge the driver  
17 with the speeding or turn violations.

18 A. Because we had more serious charges.

19 Q. Okay.

20 MR. ALLEN: Your Honor, at this time, I'd  
21 like to introduce that misdemeanor citation for  
22 Carlos Mason into evidence.

23 THE COURT: Any objection?

24 MR. NKRUMAH: No objection, Your Honor.

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1 THE COURT: All right. Without objection,  
2 that will be Exhibit 2.

3 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT  
4 WAS MARKED AS EXHIBIT NO. 2 TO THE TESTIMONY OF THE  
5 WITNESS AND WAS RETAINED BY THE COURT CLERK.)

6 THE COURT: Do we have -- is that  
7 Exhibit 1? That's the affidavit of complaint.

8 All right.

9 BY MR. ALLEN:

10 Q. Regarding the affidavit of complaint, you  
11 were asked if you placed "east" in the affidavit on  
12 Hale Road. Do you recall that conversation with the  
13 defense attorney a few minutes ago?

14 A. I do.

15 Q. Your testimony originally that was -- the  
16 vehicle was traveling actually westbound on what  
17 street?

18 A. On Johnson.

19 Q. Does Hale and Johnson overlap? And what I  
20 mean by that is, do the -- does Hale Road become  
21 Johnson or Johnson become Hale at some point?

22 A. It does.

23 Q. Okay. And what, if anything, do you  
24 recall about placing the direction of the vehicle in



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1 the affidavit regarding the affidavit of complaint?

2 And what I mean by that is, what was your  
3 intention of placing the direction of the vehicle in  
4 that affidavit to go before the magistrate or the  
5 judicial commissioner?

6 MR. NKRUMAH: Objection, Your Honor;  
7 compound question -- questions.

8 THE COURT: Rephrase, please.

9 BY MR. ALLEN:

10 Q. When you placed the direction of the  
11 vehicle in the affidavit of complaint, what, if  
12 anything, was your intention to the judicial  
13 commissioner?

14 A. My intention was to put that the vehicle  
15 was traveling west, but I made -- I mistyped and put  
16 "east."

17 Q. So it's a typographical error?

18 A. Yes.

19 Q. You weren't trying to mislead the  
20 commissioner?

21 A. No.

22 Q. And next, regarding the affidavit of  
23 complaint and the miles per hour that were listed --  
24 I want to direct you to that. Okay?

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1           Is that based on your training and  
2           experience as a police officer?

3           A.     Yes.

4           Q.     And you put "approximately" in the  
5           affidavit, correct?

6           A.     Yes.

7           Q.     And is that because you were trying to be  
8           as accurate as possible to the commissioner?

9           A.     Yes.

10          Q.     Okay. Do you recall your partner pacing  
11          the vehicle prior to the traffic stop?

12          A.     I believe he did, yes.

13          Q.     Okay. Next, I want to direct your  
14          attention to the document in front of you. I'd ask  
15          you to take a second or two. Flip through that and  
16          see if you recognize that.

17          A.     I recognize it.

18          Q.     If you would, place it face down.

19                 What is that document that you have in  
20          front of you?

21          A.     That's the written statement that  
22          Mr. Freeman gave myself and my partner.

23          Q.     After you conducted this traffic stop for  
24          multiple traffic violations and changed locations,

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1 is that when you administered Mr. Freeman his advice  
2 of rights?

3 A. Yes.

4 Q. And did he appear to understand those?

5 A. He did.

6 Q. And did he acknowledge that, in a written  
7 waiver of those rights, before providing a statement  
8 to you?

9 A. He did.

10 MR. ALLEN: Your Honor, I'd ask that that  
11 be marked as the next exhibit. It's the advice of  
12 rights and statement by Mr. Freeman in this case.

13 THE COURT: Any objection?

14 MR. NKRUMAH: No objection, Your Honor.

15 THE COURT: All right. Without objection,  
16 the advice of rights form and statement will be  
17 Collective Exhibit 3.

18 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENTS  
19 WERE MARKED AS EXHIBIT NO. 3 TO THE TESTIMONY OF THE  
20 WITNESS AND WERE RETAINED BY THE COURT CLERK.)

21 BY MR. ALLEN:

22 Q. And Detective Kent, you were asked a  
23 number of questions regarding body camera and  
24 recordings and dashcams and dispatch proceedings. I

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1 want to direct you to that. Okay?

2 A. Okay.

3 Q. You are a detective or officer with the  
4 Memphis Police Department, correct?

5 A. Yes.

6 Q. You're not an expert in communications or  
7 recordings or dispatch proceedings, are you?

8 A. I'm not.

9 Q. But you do your best to comply with  
10 department policy?

11 A. Yes.

12 Q. And you don't know the -- all the  
13 interworkings of OCU's recordings at that time, did  
14 you?

15 A. I do not.

16 Q. And is it common practice, when you  
17 conduct a traffic stop at the time of this, February  
18 2019 -- was it your common practice to dispatch or  
19 contact, on your radio, if you had a traffic stop  
20 occurring?

21 A. Yes.

22 Q. But you wouldn't always broadcast over the  
23 recordings your basis for the traffic stop, correct?

24 A. No.

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1 MR. NKRUMAH: Objection.

2 THE COURT: What's your basis of your  
3 objection?

4 MR. NKRUMAH: Leading, Your Honor.

5 THE COURT: Please watch your leading,  
6 Mr. Allen.

7 MR. ALLEN: Thank you.

8 BY MR. ALLEN:

9 Q. Let's do this: Tell the Court what you --  
10 in a traffic-stop situation -- what would be your  
11 normal practice for broadcasting over your  
12 communications.

13 A. Just the location and a brief description  
14 of the vehicle.

15 Q. And then at the conclusion of the traffic  
16 stop, what would be your -- what, if anything, would  
17 you send back out?

18 A. A very brief conclusion or a very brief  
19 summary of what happened on the traffic stop,  
20 whether we advised someone or issued them a citation  
21 or arrested someone, something like that.

22 Q. So is it fair to say that you would not  
23 broadcast out, "I stopped X vehicle for X reason and  
24 then did this," whether it's arresting them, let

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1 this person go, or anything of that nature?

2 A. It is fair to say that.

3 Q. Okay. But would it also be fair to say a  
4 traffic stop of a described vehicle and then number  
5 of people in custody?

6 A. Yes.

7 Q. Okay. Do you recall, in this specific  
8 situation, what you did?

9 A. I don't recall in this specific situation.

10 Q. Okay. Lastly, with the observation of  
11 seat belts, I want to direct you to that.

12 From where you were sitting, how certain  
13 are you that both the driver and Mr. Freeman did not  
14 have a seat belt on?

15 A. Very certain.

16 MR. ALLEN: No further questions, Your  
17 Honor.

18 THE COURT: All right. Thank you,  
19 Detective.

20 MR. NKRUMAH: Briefly, Your Honor?

21 THE COURT: All right.

22 RECROSS-EXAMINATION

23 BY MR. NKRUMAH:

24 Q. Detective Kent, you just was asked about

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1 what your normal -- what your common practice is  
2 when stopping a vehicle, correct?

3 A. Yes.

4 Q. And you indicated that it was common  
5 practice to contact dispatch, right?

6 A. Yes.

7 Q. But you didn't contact dispatch this time,  
8 right?

9 A. I don't remember exactly what happened.

10 Q. You also indicated that it was common  
11 practice to give your location and a brief  
12 description of the vehicle, correct?

13 A. Yes.

14 Q. But you didn't do that this time, either,  
15 did you?

16 A. Well, I would have done it on my team --  
17 the frequency that my team worked off of.

18 Q. But you didn't contact dispatch and give  
19 that information, did you, Detective?

20 A. I don't believe that I did.

21 Q. You also -- you also testified and AUSA  
22 Allen asked you about pacing vehicles, correct?

23 A. Yes.

24 Q. You stated that your -- that your partner

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1 was pacing the vehicle, correct?

2 A. I stated I believed he did.

3 Q. You believe he did.

4 Detective, it's extremely difficult to  
5 pace a vehicle on a city street, correct?

6 A. No.

7 Q. When pacing a vehicle, you have to  
8 maintain a certain distance, correct?

9 A. Yes.

10 Q. Now, you -- now, you -- now, when you  
11 pulled out to follow this Altima, what -- you were  
12 about half a car length behind him? A car length?

13 A. I don't remember the exact distance.

14 Q. But you stayed close to the vehicle,  
15 correct?

16 A. We stayed a reasonable distance.

17 Q. A reasonable distance so you can see the  
18 vehicle, and you can turn when the vehicle turns,  
19 correct?

20 A. Yes.

21 Q. Detective, you can't pace a vehicle on a  
22 city street, can you?

23 A. You can.

24 Q. You need -- not only in pacing the



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1 vehicle, you need distance, right?

2 A. You need some distance.

3 Q. You need -- you need distance between you  
4 and the vehicle, correct?

5 A. You need some distance between you and the  
6 vehicle.

7 Q. But some distance -- Detective, are we  
8 talking like a quarter of a foot, one car length,  
9 seven car lengths?

10 A. A car length maybe.

11 Q. Maybe a car length.

12 You testified that you've been a detective  
13 for five years, right?

14 A. I've been a police officer for five and a  
15 half years.

16 Q. You have been a police officer for five  
17 and a half years, and you testified that part of  
18 your training was speed enforcement, correct?

19 A. Yes.

20 Q. You testified that OCU -- that was one of  
21 their regular duties, correct?

22 A. Yes.

23 Q. But you can't tell me how far of a  
24 distance you need in order to pace a vehicle,

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1 Detective?

2 MR. NKRUMAH: No further questions.

3 THE COURT: Mr. -- Detective, do you wish  
4 to answer the final question?

5 MR. ALLEN: Your Honor, I was going to say  
6 he didn't give him a chance. And I believe it's  
7 asked and answered. He said "a reasonable distance"  
8 several times.

9 THE COURT: Well, we'll let it stand as  
10 that.

11 Thank you, Detective.

12 Well --

13 MR. NKRUMAH: Do you have a answer for  
14 that question?

15 THE COURT: Well, I think he just did. I  
16 asked him if he did. I think he indicated he  
17 didn't.

18 Is this going to be the last question?

19 MR. ALLEN: No. I was --

20 THE COURT: Call the next witness.

21 Thank you, Detective. You're free to step  
22 down.

23 THE WITNESS: (Complying with request.)

24 (WHEREUPON, DETECTIVE JOSHUA REDDING

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1 ENTERS THE COURTROOM.)

2 THE COURT: Stand right there.

3 (WHEREUPON, DETECTIVE JOSHUA REDDING WAS  
4 DULY SWORN.)

5 THE COURT: Take our modified witness  
6 stand, sir. And after you're seated and  
7 comfortable, if you'll state and spell your first  
8 and last name for the record. You can actually move  
9 that mic stand closer to you if you need to. Got to  
10 make sure we can hear you and understand what you're  
11 saying.

12 THE WITNESS: First name is Joshua,  
13 J-O-S-H-U-A; last name is Redding, R-E-D-D-I-N-G.

14 THE COURT: Thank you, sir.

15 DETECTIVE JOSHUA REDDING,  
16 having been first duly sworn, was examined and  
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ALLEN:

20 Q. Mr. Redding, what's your current  
21 occupation?

22 A. I'm a police officer for the City of  
23 Memphis.

24 Q. Okay. And how long have you been with

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1 MPD?

2 A. Approximately five years

3 Q. In February of 2019, what was your title?

4 A. I worked for organized crime.

5 Q. Is that part of Memphis Police Department?

6 A. Yes, it is.

7 Q. And were you a detective then?

8 A. Yes, I was.

9 Q. Okay. I want to direct your attention.

10 Well, you said over five years as a --

11 A. No, it's coming up on five years.

12 Q. Coming on up five years with Memphis  
13 Police Department?

14 A. Yes, sir.

15 Q. During the course of that five years, best  
16 guess: How many traffic stops you think you've  
17 participated in?

18 A. Hundreds, if not thousands.

19 Q. Okay. On February 2, 2019 -- I want to  
20 direct your attention to that date. You were  
21 employed with organized crime with the Memphis  
22 Police Department at that time?

23 A. Yes, sir.

24 Q. Do you recall a traffic stop involving a

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1 Martavius Freeman?

2 A. Yes, sir.

3 Q. I'll ask you to look around the courtroom  
4 and see if you can identify the individual that you  
5 stopped that night as Martavius Freeman.

6 A. Yes, sir.

7 Q. Can you point to something he's wearing  
8 and describe it for the record?

9 A. A brown shirt.

10 Q. Is this the individual you're pointing to?

11 A. Yes, sir.

12 MR. ALLEN: Your Honor, I'd ask that the  
13 record reflects he's identified Mr. Freeman.

14 THE COURT: The record will so reflect.

15 MR. ALLEN: Thank you.

16 BY MR. ALLEN:

17 Q. Let's go back to that night and talk about  
18 the traffic stop. Okay?

19 Where were you located? Where were you  
20 sitting in the vehicle, or what were you doing at  
21 the time? Just tell us that.

22 A. I was driving the vehicle.

23 Q. Okay. Where were you?

24 A. We were sitting at the intersection of

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1 Vandalia and Johnson.

2 Q. Okay. And you say "we." Who was with  
3 you?

4 A. Detective Kent.

5 Q. Okay. And was that your partner at that  
6 time?

7 A. Yes, sir, at that time.

8 Q. And were y'all in separate vehicles?  
9 Y'all in one vehicle?

10 A. Same vehicle.

11 Q. Same vehicle?

12 A. Yes, sir.

13 Q. Okay. How did you encounter Mr. Freeman  
14 first?

15 A. A vehicle came up from our left-hand side,  
16 traveling westbound on Johnson. The driver and the  
17 passenger were not wearing seat belts. The vehicle  
18 appeared to be going beyond the speed limit.

19 Q. Okay.

20 A. We pulled behind it and attempted to pace  
21 the vehicle. The vehicle showed to be going around  
22 45 in a 25. They made two turns without utilizing a  
23 signal. And while behind the vehicle, we ran the  
24 tags. The tags showed to come back to a different

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1 make of a vehicle.

2 Q. Okay. Let me break that down a little  
3 bit.

4 Where was Mr. Freeman in this vehicle when  
5 you saw?

6 A. Passenger seat.

7 Q. Okay. And you said Mr. Freeman was not  
8 wearing a seat belt?

9 A. He was not.

10 Q. Okay. And the driver was not wearing a  
11 seat belt?

12 A. Neither of them appeared to be.

13 Q. How certain are you that either one of  
14 those individuals was not wearing a seat belt?

15 A. Hundred percent.

16 Q. Okay. After you see this vehicle drive  
17 by, do you recall the -- what -- the make and model  
18 of the vehicle?

19 A. I believe it was a silver Nissan Altima, I  
20 believe.

21 Q. Okay. So the -- you see this car drive by  
22 with two people not wearing a seat belt. And at  
23 that point, do you believe that it's traveling above  
24 the speed limit?

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1 A. Yes, sir.

2 Q. Is that based on your training,  
3 experience, or how do you -- how do you know that?

4 A. Both.

5 Q. Both?

6 A. Training and experience, yes, sir.

7 Q. Okay. So what do you do after that?

8 A. We get behind the vehicle.

9 Q. Okay. And you're driving?

10 A. Yes, sir.

11 Q. Is that when you attempted to pace the  
12 vehicle?

13 A. Yes, sir.

14 Q. What -- what, if anything, did you do that  
15 led you to believe the vehicle was speeding?

16 A. So we caught up to the vehicle and  
17 attempted to match the vehicle's speed. That way,  
18 we were traveling the same speed as the vehicle,  
19 where our speed would be -- would be the same speed,  
20 roughly, that the vehicle was traveling.

21 Q. And did you have to exceed the speed limit  
22 to do that?

23 A. Yes, sir.

24 Q. Okay. And then the vehicle made a left



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1 turn?

2 A. Yes, sir, left-hand turn.

3 Q. Okay. At what point do you become aware  
4 that the tags on the vehicle do not match the  
5 vehicle that is being driven?

6 A. While I was -- while I was pacing the  
7 vehicle, my partner was running the vehicle's  
8 registration. He informed me that the vehicle's  
9 registration came back to a different vehicle.

10 Q. Okay. And then your next step is the  
11 traffic stop?

12 A. Yes, sir.

13 Q. At what point do you activate your blue  
14 lights?

15 A. We were on Crystal at the time. We had  
16 just turned onto Crystal from Gracewood. We  
17 initiated blue lights after my partner had told me  
18 that the tags belonged to a different vehicle.

19 Q. Okay. And after you initiate the blue  
20 lights, what does the vehicle do?

21 A. Pulled over and stops.

22 Q. Okay. And then what do you do?

23 A. I go up, make contact with the driver.

24 Q. Who was the driver?

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1 A. Mr. Mason.

2 Q. Okay.

3 A. Carlos Mason was his name.

4 Q. And what, if anything, do you say to  
5 Mr. Mason?

6 A. I go up. I ask him if there's anything in  
7 the vehicle that we need to know about. He advised  
8 me the only thing in the vehicle was a little bit of  
9 marijuana.

10 Q. A little bit of marijuana?

11 A. Yes, sir.

12 Q. At that point, based on your training and  
13 experience, what is your next step?

14 A. Next step is to get him identified. I ran  
15 him on our PDA, and Mr. Mason showed to have an  
16 active warrant, per MCIC.

17 Q. Okay.

18 A. We then had him step out of the vehicle,  
19 and we detained him in the rear of our squad car.

20 Q. Based on your training and experience,  
21 after you discovered marijuana, what do you -- what  
22 can you do now?

23 A. Check for further narcotics.

24 Q. So at that point, once Mr. Mason says

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1 there's marijuana in the car, you detain him. You  
2 plan to search the vehicle for further narcotics?

3 A. Yes, sir.

4 Q. Okay. And your discussions are with  
5 Mr. Mason only, correct?

6 A. Yes.

7 Q. What, if anything, do you recall your  
8 partner doing at this time?

9 A. I know he was talking to the passenger of  
10 the vehicle at the time.

11 Q. Okay. So to search the vehicle, you have  
12 to remove all occupants?

13 A. Yes, sir.

14 Q. What, if anything, did Detective Kent do  
15 with the passenger Mr. Freeman?

16 A. He removed him from the vehicle as well.

17 Q. Okay. And then you searched the vehicle?

18 A. Yes, sir.

19 Q. What, if anything, did you observe to be  
20 found?

21 A. I located the marijuana that the driver  
22 had informed me was there, and Detective Kent  
23 located a bag in the back floorboard of the vehicle  
24 behind the passenger seat containing two other

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1 baggies: one had a grayish-brown substance, and the  
2 other one had what appeared to be ecstasy in it.

3 Q. And that location where the bag that  
4 contained what you believed to be narcotics, was  
5 that behind where Mr. Freeman was sitting?

6 A. Yes, sir.

7 Q. Okay. So you've made this traffic stop,  
8 based on several citations. You search the vehicle.  
9 What do you do, if anything, next?

10 A. Then we placed them in custody,  
11 transported them to 51 South Flicker where we took  
12 statements.

13 Q. Were you an active participant in taking a  
14 statement?

15 A. Yes, sir.

16 Q. From who?

17 A. Mr. Freeman.

18 Q. All right. What, if anything, did you do  
19 before taking Mr. Freeman's statement?

20 A. We Mirandized him.

21 Q. Okay. And is that normally done in a  
22 written form? How does that work?

23 A. Yes. We gave him a rights waiver form,  
24 went through each line to make sure that he

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1 understood. He then initialed next to each line  
2 stating that he understood what they were. He then  
3 waived his rights and agreed to give a statement.

4 Q. Did anything Mr. Freeman say lead you to  
5 believe that he did not understand his rights?

6 A. No, sir.

7 Q. And just briefly describe what Mr. Freeman  
8 said in that statement.

9 A. He just -- he advised that the narcotics  
10 that we recovered in the baggy on the back  
11 floorboard belonged to him. We asked him what the  
12 narcotics were. He said some ecstasy and some  
13 heroin. He then advised that he had the heroin in  
14 an attempt to sell it to make money.

15 Q. Okay. Is there anything else regarding  
16 this traffic stop that -- that you think the Court  
17 should be aware of?

18 A. No, sir.

19 MR. ALLEN: Pass the witness, Your Honor.

20 THE COURT: Cross?

21 MR. NKRUMAH: May I, Your Honor?

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. NKRUMAH:

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1 Q. Good morning, Detective Redding.

2 A. Good morning, sir.

3 Q. My name is Kafahni Nkrumah, and I'm the  
4 attorney for Mr. Martavius Freeman. I'm going to  
5 ask you some questions this morning surrounding  
6 the -- your encounter with Mr. Freeman on February  
7 2nd, understand?

8 A. Yes, sir.

9 Q. If I ask you a question that you don't  
10 understand, please let me know that you didn't  
11 understand the question. Okay?

12 A. Yes, sir.

13 Q. Can I say that it's safe for me to assume  
14 that if you don't let me know you don't understand  
15 the question, that you understood the question,  
16 right?

17 A. Yes, sir.

18 Q. Okay. You stated that you're a member of  
19 the organized crime unit, correct?

20 A. Yes, sir.

21 Q. And on the afternoon of February 2, 2019,  
22 you would -- you were on patrol in the vicinity of  
23 Johnson Avenue and Vandalia Street, correct?

24 A. I believe that's not the

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1 (indiscernible) --

2 (WHEREUPON, THE STENOGRAPHER REQUESTS  
3 CLARIFICATION.)

4 (WHEREUPON, A DISCUSSION WAS HAD WITH THE  
5 STENOGRAPHER OFF THE RECORD, AND THEN THE  
6 PROCEEDINGS CONTINUED AS FOLLOWS:)

7 THE COURT: You just got to make sure you  
8 speak up. Between the mask and all that and the  
9 fact that you're turned that way, it's just hard for  
10 her to hear.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: So you just got to make sure  
13 you speak up. Okay?

14 THE WITNESS: Yes.

15 BY MR. NKRUMAH:

16 Q. And you testified that night -- that your  
17 partner was Detective Kent?

18 A. Yes, sir.

19 Q. And you were the driver of the vehicle,  
20 the patrol vehicle that night, right?

21 A. Yes, sir.

22 Q. You weren't running any radar that night,  
23 were you?

24 A. No, sir.

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1 Q. You didn't have -- you weren't using any  
2 standalone radar in order to gauge someone's speed?

3 A. No, sir, we weren't.

4 Q. Okay.

5 (WHEREUPON, A DISCUSSION WAS HAD WITH THE  
6 STENOGRAPHER OFF THE RECORD, AND THEN THE  
7 PROCEEDINGS CONTINUED AS FOLLOWS:)

8 THE COURT: Tell you what, Officer. Let's  
9 try this: If you'll come to the witness stand, and  
10 we'll see if that mic is going to work any better  
11 because that mic has been -- and then once you're  
12 seated there, you can pull -- you can pull that mic  
13 closer to you. It's not affixed, I don't think.  
14 Oh, maybe it is.

15 THE CLERK: It is.

16 THE COURT: Okay. All right. Sorry. I  
17 forget.

18 Let's try this again.

19 MR. NKRUMAH: I can inquire, Your Honor?

20 THE COURT: Yes, sir.

21 MR. NKRUMAH: Thank you.

22 BY MR. NKRUMAH:

23 Q. Detective, when you were on Vandalia  
24 Street -- when you observed the Altima that my



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1 client was in, you were sitting on Vandalia Street,  
2 correct?

3 A. Yes, sir.

4 Q. And you observed Mr. -- you observed the  
5 Altima that my client was in drive past you,  
6 correct?

7 A. Yes, sir.

8 Q. Now, this was late in the afternoon,  
9 wasn't it, Detective?

10 A. Yes, sir.

11 Q. On February -- in February, correct?

12 A. Yes, sir.

13 Q. And it was starting to get dark, wasn't  
14 it?

15 A. There was more than enough light, sir.

16 Q. But it was starting to get dark, right?  
17 Dusk?

18 A. I don't remember what time the sun set.

19 Q. Okay. And after the Altima passed you,  
20 you took off after the Altima, correct?

21 A. Yes, sir.

22 Q. So you went from a standing position to a  
23 moving position to catch up to the Altima, correct?

24 A. Yes, sir.

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1 Q. So you had to accelerate to catch up to  
2 the Altima, right?

3 A. Yes, I did.

4 Q. Okay. So you accelerated to catch up to  
5 the Altima, and once you caught up to the Altima,  
6 you stated that you paced the vehicle, correct?

7 A. Yes, sir.

8 Q. Okay. I believe your testimony was, in  
9 catching up to the vehicle, it took you -- in order  
10 to catch up to the vehicle, you had to go about 45  
11 miles an hour, correct?

12 A. No, sir. We went above 45 miles an hour  
13 to catch up to them. And then once we got behind,  
14 during the course of pacing them, we were going  
15 approximately 45 miles an hour.

16 Q. How far away from the vehicle were you  
17 when you -- when you were pacing the vehicle,  
18 Detective?

19 A. We were close enough to get a tag, so I  
20 can't say exactly, but --

21 Q. A half a car length?

22 A. Don't recall the exact distance.

23 Q. Okay. And in pacing this vehicle -- let  
24 me back up. Let me back up.

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1           Vandalia Street. All right. How far is  
2 that from Gracewood? How many blocks?

3           A. I believe it is the -- Gracewood, I  
4 believe -- not for sure, but I believe it's the  
5 third turn.

6           Q. About two blocks, you would say?

7           A. If it was the third, it would be around  
8 three blocks, sir.

9           Q. Around three blocks.

10           So it's your testimony that you followed  
11 this vehicle.

12           When did you turn your lights on,  
13 Detective? Were you still on Johnson Street?

14           A. No, sir. We were on Crystal.

15           Q. So you were on Crystal Street when you  
16 turned on your lights.

17           So you stated that you -- one second.  
18 Strike that.

19           At some point, Johnson Street turns into  
20 Hale Avenue, correct?

21           A. I believe so.

22           Q. And at -- and at that point, that point is  
23 Tillman Street, correct?

24           A. I have no idea what the actual point that

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1 it changes.

2 Q. So when you're on Hale Avenue, Hale Avenue  
3 is Hale Avenue no matter where you're at because you  
4 don't know where the change is, Detective?

5 A. Well, I know Hale and Johnson -- they turn  
6 into -- like, Johnson turns into Hale, Hale turns  
7 into Johnson. I don't know when the exact cutoff  
8 is.

9 Q. So you could've been on Hale street when  
10 you saw -- the Altima could've been on Hale Street  
11 and not Johnson, correct?

12 A. I -- it is the same street. It just has a  
13 different name depending on which block you're on.

14 Q. But that's important, the name of the  
15 street, right?

16 A. Not (indiscernible) --

17 (WHEREUPON, THE STENOGRAPHER REQUESTS  
18 CLARIFICATION.)

19 THE COURT: Do you need them to repeat the  
20 question and the answer?

21 (WHEREUPON, THE STENOGRAPHER RESPONDS.)

22 THE COURT: If you could repeat your  
23 answer again, sir.

24 THE WITNESS: To which question, ma'am?

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1 THE COURT: The last one. The answer you  
2 were just giving, if you could start from the  
3 beginning because the --

4 A. I'm not sure what you mean by that  
5 question.

6 BY MR. NKRUMAH:

7 Q. Isn't it important to -- isn't it  
8 important to know the difference, where the streets  
9 start and end, Detective?

10 A. I believe that as long as we're -- if  
11 someone's committing an offense that we know is an  
12 offense, it doesn't matter necessarily which street  
13 it is at that point. We then have the right to get  
14 behind them.

15 Q. So it doesn't matter what street someone  
16 is on when they commit an offense?

17 A. I --

18 Q. That's your testimony, Detective?

19 A. It is the same street; it's just the name  
20 changes depend --

21 Q. That wasn't my question, Detective. My  
22 question to you was, Isn't it important to know the  
23 street? Correct?

24 A. Yes, sir.

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1 Q. Because cross streets -- they're different  
2 along that route, right?

3 A. I believe Vandalia only crosses that  
4 street at one point.

5 Q. It only crosses -- it only crosses on  
6 Johnson Street, correct?

7 A. I believe so.

8 Q. There's no Vandalia on Hale -- Hale  
9 Avenue, is there?

10 A. Don't believe there is.

11 Q. There isn't, right?

12 So it is important that you know where  
13 you're at, correct?

14 A. Yes, sir.

15 Q. And the direction that you're going in,  
16 that's important, too, isn't it?

17 A. Yes, sir.

18 Q. Because when people like me are  
19 investigating, we're going off of your notes,  
20 correct?

21 A. That's correct.

22 Q. And if your notes are incorrect, that just  
23 takes us all the way around to nowhere; am I right,  
24 Detective?

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1           A.       I wouldn't say it takes us nowhere, sir.

2           Q.       It does take us to nowhere because we  
3 don't know where the incident happened, right, if  
4 your notes are incorrect, right?

5           A.       I would say that critical thinking can  
6 tell us where it happened at.

7           Q.       Critical thinking?

8           A.       Yes, sir.

9           Q.       So we should rely on critical thinking and  
10 not your reports; that's what you're telling us  
11 today?

12          A.       No, sir. I believe that because Johnson  
13 and Hale Street are the same street and they only  
14 intersect with one, then that kind of narrows down  
15 to one location.

16          Q.       And so we have to figure -- so we have to  
17 figure that out when you incorrectly put it in a  
18 report, correct? Correct, Detective?

19               MR. ALLEN: Objection, Your Honor. We  
20 haven't established that he put anything in any  
21 report. I mean, I understand the general  
22 questioning of it's important to have accurate  
23 reports. But we -- he's hypothetically asking him  
24 about something that we haven't seen that -- an

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1 actual report that this witness has been the author  
2 of.

3 THE COURT: Mr. Nkrumah?

4 MR. NKRUMAH: If he can answer, Your  
5 Honor.

6 A. Can you repeat the question, please?

7 MR. NKRUMAH: Can you repeat the question  
8 for (indiscernible) --

9 (WHEREUPON, THE STENOGRAPHER REQUESTS  
10 CLARIFICATION.)

11 MR. NKRUMAH: Could you repeat the  
12 question for him, Ms. Court Officer? Could you  
13 repeat the question?

14 (WHEREUPON, THE STENOGRAPHER READS BACK  
15 THE REQUESTED PORTION.)

16 A. Could you just, I guess, explain a little  
17 more what you mean by that?

18 BY MR. NKRUMAH:

19 Q. You testified that it's only important  
20 that he committed an offense, right? That's what  
21 you just testified to about two, three minutes ago,  
22 correct?

23 MR. ALLEN: Your Honor, I'd object to  
24 that. He asked that question. He narrowed down the



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1 area. And then the question -- follow-up question  
2 was, It is important to get this right, which was  
3 the follow-up to, It's only important of -- that an  
4 offense happens.

5 So I think that's misleading to the Court.  
6 I think that's misleading to the witness as well  
7 because he did generally ask that question, but then  
8 he followed that up. And this witness has clarified  
9 that it is important to not only get the location  
10 right. So I don't think that's a fair question.

11 THE COURT: We need to move to the next  
12 question.

13 BY MR. NKRUMAH:

14 Q. So it's your testimony today that this  
15 vehicle was traveling westbound on Johnson Street,  
16 correct?

17 A. Yes, sir.

18 Q. And not eastbound on Hale Street, right?

19 A. Yes, sir.

20 Q. Okay. And you pulled behind the vehicle,  
21 correct?

22 A. Yes, sir.

23 Q. Now, there are stop signs from Vandalia to  
24 Grace, correct?

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1           A.       I do not believe there is.

2                   MR. NKRUMAH:   Have a moment, Your Honor?

3                   THE COURT:    You may.

4   BY MR. NKRUMAH:

5           Q.       So it's your testimony, Detective, that  
6   there are no stop signs on Johnson Street between  
7   Vandalia and Gracewood?

8           A.       I do not remember any stop signs.

9           Q.       Don't remember any stop signs.

10                   And you testified that you -- you didn't  
11   turn your lights on until you pulled them over on  
12   Crystal Avenue, correct?

13          A.       Yes, sir.

14          Q.       Now, you were driving, so you didn't radio  
15   dispatch, did you?

16          A.       I do not remember who radioed at the time.

17          Q.       But you didn't radio, right?

18          A.       I do not recall.

19          Q.       You don't recall if you used the radio?

20          A.       Again, I don't recall who radioed in.

21          Q.       Do you know -- do you recall if your  
22   partner used the radio at that time?

23                   MR. ALLEN:   Asked and answered, Your  
24   Honor.   He said --

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1           THE COURT: Asked and answered. He  
2 doesn't recall who did.

3 BY MR. NKRUMAH:

4           Q. During all of this, Detective, there's no  
5 vehicle cam, is it?

6           Vehicle dashcam.

7           Is there?

8           A. No, sir.

9           Q. And no body-cam recording of this  
10 incident, correct?

11          A. There is not.

12          Q. So we don't have any -- no recordings of  
13 anything that you just testified to, correct?

14          A. That is correct.

15          Q. Okay. Now, you stated after you pulled  
16 the vehicle over, you approached the vehicle,  
17 correct?

18          A. Yes, sir.

19          Q. On the driver side of the vehicle?

20          A. Yes, sir.

21          Q. And you encountered Mr. Mason, correct?

22          A. Yes, sir.

23          Q. And when you encountered Mr. Mason, you  
24 began asking Mr. Mason questions, correct?

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1           A.       I asked him if there was anything in the  
2 vehicle I need to know about.

3           Q.       You approached the vehicle, and you  
4 encountered Mr. Mason. You asked him if there was  
5 anything in the vehicle that -- that you needed to  
6 know about?

7           A.       Yes, sir.

8           Q.       And he responded how, Detective?

9           A.       Stated there was only a little bit of  
10 marijuana.

11          Q.       You also testified that after Mr. Mason  
12 stated that there was a little bit of marijuana, you  
13 asked him to exit the vehicle?

14          A.       After identifying him, yes.

15          Q.       After identifying him?

16          A.       Yes, sir.

17          Q.       So he asked -- he told you it was a little  
18 marijuana; you went back to the car and identified  
19 him?

20          A.       No, sir. I used my PDA.

21          Q.       You used your PDA.

22                    So you stood there at the -- at the  
23 vehicle with Mr. Mason, and you took out your PDA,  
24 and you verified who he was?

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1 A. Yes, sir.

2 Q. And after verifying who he was, you took  
3 him out of the vehicle, correct?

4 A. Yes, sir.

5 Q. And after taking him out of the vehicle,  
6 you placed him in your patrol car, correct?

7 A. Yes, sir.

8 Q. Now, he was under arrest at this time,  
9 wasn't he?

10 A. Yes, sir.

11 Q. Now, at this time, Mr. Freeman was still  
12 in the vehicle, correct?

13 A. Yes, he was.

14 Q. And your partner was questioning  
15 Mr. Freeman, correct?

16 A. I was not over with my partner at the  
17 time. I don't know.

18 Q. So you're not sure if your partner was  
19 questioning Mr. Freeman?

20 A. Again, if they were speaking, I don't know  
21 what they were speaking about. I was talking to the  
22 individual that I was in contact with.

23 Q. Okay. And at some point, you saw your  
24 partner take Mr. Freeman out of the vehicle,

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1 correct?

2 A. Yes, sir.

3 Q. And place Mr. Freeman in your vehicle,  
4 correct?

5 A. Yes, sir.

6 Q. And you two started searching the vehicle,  
7 correct?

8 A. Yes, sir.

9 Q. It wasn't long after you begun searching  
10 the vehicle that you found the contraband, correct?  
11 That your partner found the contraband, correct?

12 A. Yes, sir.

13 Q. And after finding the contraband, you  
14 placed Mr. Freeman and Mr. Mason under arrest?

15 A. Yes, sir.

16 Q. And you took -- and took them both down to  
17 the station, correct?

18 A. Yes.

19 Q. Now, the search -- from the -- from the  
20 time you stopped the vehicle to the time you did the  
21 search, would it be fair to say, Detective, that  
22 maybe two minutes, three minutes had passed?

23 A. I don't know the exact time. It wasn't a  
24 long time.

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1 Q. It wasn't a long time, though, right?

2 A. No, sir.

3 Q. It wasn't 10 minutes, right? It wasn't --  
4 wasn't half an hour?

5 A. It could be 10 minutes. I would say it  
6 wouldn't be a half an hour.

7 Q. Maybe 10 minutes.

8 And in that 10 minutes, you had stopped  
9 the vehicle, correct?

10 A. Yes, sir.

11 Q. Questioned Mr. Freeman and Mr. Mason,  
12 correct?

13 A. Again, I cannot say what Mr. Freeman  
14 (indiscernible) --

15 (WHEREUPON, THE STENOGRAPHER REQUESTS  
16 CLARIFICATION.)

17 THE COURT: You got to speak up, Officer,  
18 or get closer to that microphone.

19 THE WITNESS: Sorry.

20 THE COURT: Or take the mask off, one of  
21 them, but I can barely hear you, and I'm right next  
22 to you.

23 So repeat your answer from just now.

24 A. I cannot state what Mr. Freeman was talked

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1 to about.

2 BY MR. NKRUMAH:

3 Q. But in less than 10 minutes, they were  
4 questioned. They were questioned, placed in the  
5 vehicle, and the vehicle was searched, correct?

6 A. I would -- the full search of the vehicle  
7 probably took a little bit more than that, but  
8 around that time, yes, sir.

9 Q. Then after -- after retrieving the  
10 contraband, as -- Mr. Mason was under arrest,  
11 correct?

12 A. Yes, sir.

13 Q. And Mr. Freeman, right?

14 A. At that point, Mr. Freeman was going to be  
15 detained until we took a statement discovering who  
16 the narcotics belonged to.

17 Q. But -- so Mr. Freeman wasn't arrest?

18 A. At that point, I believe he was just being  
19 detained. Like I said, I don't know what he had  
20 told my partner or anything. I had not had a  
21 chance.

22 Q. He took him back to the station, took  
23 the -- took both individuals back to the station,  
24 right?



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1           A.     Yes, sir.

2           Q.     Read them their rights?

3           A.     Yes, sir.

4           Q.     And you interviewed Mr. Freeman, correct?

5           A.     Yes, sir.

6           Q.     And he admitted to the -- to the  
7 substance -- owning the substance in the vehicle,  
8 correct?

9           A.     Yes, sir.

10          Q.     Your interview with Mr. Freeman, that  
11 didn't take long, either, did it, Detective?

12          A.     It took a little longer. We usually,  
13 after notifying them of their rights, take quick  
14 verbal statements just talk to them and then take a  
15 typed statement. I was the one that actually typed  
16 the statement, and I'm not the quickest of typers,  
17 so I'm not sure exactly how long it took, but it is  
18 not a quick process.

19          Q.     But the verbal statement that he gave is  
20 basically the typed statement, correct?

21          A.     Yes, sir.

22          Q.     And that didn't take long, correct?

23          A.     Again, I don't --

24          Q.     You didn't have a long, drawn-out "it's

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1 not mine" with Mr. Freeman, right?

2 A. No, we did not.

3 Q. He -- he readily admitted that the -- that  
4 the contraband was his, right?

5 A. Yes, sir.

6 Q. And he did that during the oral statement,  
7 right?

8 A. Yes, sir.

9 Q. Not long after you had put him in the  
10 interrogation room and gave him his rights, right?

11 A. Yes, sir.

12 MR. NKRUMAH: One second, Your Honor.

13 THE COURT: Yes, sir.

14 BY MR. NKRUMAH:

15 Q. Just a couple questions more, Detective.

16 A. Yes, sir.

17 Q. You stated that Mr. Mason had a warrant,  
18 correct?

19 A. Yes, sir.

20 Q. And you found that out through your, I  
21 guess, PDA, correct?

22 A. Yes, sir.

23 Q. Mr. Freeman didn't have a warrant, right?

24 A. I did not run him, but I do not recall.

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1 Q. So to your knowledge, because you didn't  
2 run Mr. Freeman, he didn't have a warrant, right?

3 A. Yes, sir.

4 MR. NKRUMAH: No further questions.

5 THE COURT: Redirect?

6 MR. ALLEN: Just briefly.

7 REDIRECT EXAMINATION

8 BY MR. ALLEN:

9 Q. Detective Redding, you were asked if there  
10 are any stop signs on Johnson regarding -- you know,  
11 between the streets you were sitting on and the  
12 street that it would turn. I just want to ask you a  
13 question about that.

14 Is that -- when you answered that, are you  
15 referring specifically to Johnson? Like, there's no  
16 stop signs if you were traveling east or eastbound  
17 down Johnson?

18 MR. NKRUMAH: Objection, Your Honor;  
19 leading.

20 A. Yeah, I --

21 THE COURT: Hang on a second.

22 What was your question again?

23 MR. ALLEN: I asked -- I asked him if  
24 there's -- when he answered the question, to clarify

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1 his answer. Was he -- when he answered that, did he  
2 mean there was no stop signs on Johnson, as if you  
3 were traveling east or westbound down that street?

4 THE COURT: That's not leading. Objection  
5 overruled. That's what I thought I heard.

6 A. I'm not sure about the cross streets, if  
7 there would be stop signs. If that's what you're  
8 asking about, the cross streets, I'm not sure if  
9 they have stop signs, yield signs. I'm not sure.

10 BY MR. ALLEN:

11 Q. That -- that's -- that was what I was  
12 going to follow up with. You've answered it.

13 MR. ALLEN: That's all the questions I  
14 have, Your Honor.

15 THE COURT: All right. Thank you, sir.  
16 You may step down.

17 THE WITNESS: (Complying with request.)

18 THE COURT: Any further proof from the  
19 United States?

20 MR. ALLEN: Nothing from the government.

21 THE COURT: Mr. Nkrumah, any proof?

22 MR. NKRUMAH: No, Your Honor.

23 THE COURT: All right. Then I have all  
24 three exhibits. I've got your motions. I don't

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1 think I particularly need a closing brief. If y'all  
2 would like to make closing argument, that's fine.

3 MR. ALLEN: Yes, just briefly, Your Honor.

4 You've had two witnesses to come forward.  
5 They're both experienced officers and detectives  
6 with the Memphis Police Department that testified to  
7 substantially the same factual basis.

8 You have a traffic stop where they're  
9 sitting -- both of them positively identified  
10 Mr. Freeman as the passenger in that vehicle. Both  
11 individuals said they were certain -- fairly  
12 certain. One said a hundred percent -- or excuse  
13 me -- one said very certain, and the other one said  
14 100 percent that both these individuals were not  
15 wearing their seat belt. That alone is a basis to  
16 stop this vehicle.

17 They pulled out behind the vehicle. The  
18 officer driving testified that he got behind it and  
19 believed it to be speeding, a individual that's been  
20 a part of hundreds, if not thousands, of traffic  
21 stops.

22 Then you have the other officer, Detective  
23 Kent, who said that the tags on the vehicle did not  
24 match the make and model. You have a Nissan and the

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1 tags for a Chevy. That's another basis to stop this  
2 vehicle.

3 Then there were several turns without  
4 signals; although, they weren't charged. That's  
5 another basis to pull the vehicle over.

6 And then on top of the violation of the  
7 registration, the speeding, the turns, they waited a  
8 little bit longer. Then they got behind the  
9 vehicle, and then they stopped it.

10 So it's a very solid traffic stop on the  
11 basis. There's nothing that -- to hear from the  
12 testimony today that undermines the credibility of  
13 these officers. They saw what they saw, and they  
14 testified to it, and they testified to the same  
15 thing.

16 Then you speak to the driver who not only  
17 has an active warrant, but he ultimately admits that  
18 there's marijuana in the vehicle. That gives them  
19 probable cause at that point to search the vehicle.  
20 They bring the driver out; they bring Mr. Freeman  
21 out. They locate the drugs right behind where he's  
22 sitting.

23 After that, they take Mr. Freeman down.  
24 They advise him of his rights, and he waives those

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1 rights. He makes a knowing, voluntary waiver after  
2 being read the advice of rights form, which is an  
3 exhibit. He provides a statement that that was his  
4 heroin, and he planned to sell it. So there's  
5 nothing unusual about this traffic stop. These  
6 officers went by the policies in the book or the  
7 best of their training.

8 Just because it says "eastbound on Hale"  
9 when they were westbound on Johnson, that's a  
10 typographical error. He wasn't intending to mislead  
11 the judicial commissioner. That was his testimony.

12 And on top of all this, Your Honor,  
13 attached to the filing -- and Detective Kent  
14 corroborated this -- Mr. Freeman was on state  
15 probation at the time. He was subject to a search  
16 provision. That's attached to my filing. It's  
17 Attachment A. He was on state probation where he  
18 says, I agree to be subject of my person, and  
19 vehicle or whatnot to be searched without additional  
20 probable cause.

21 So there's nothing here that causes the  
22 government any concern regarding the search. These  
23 officers are experienced, and they did their job,  
24 and they didn't do anything wrong here. So this

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1 motion should be denied because they had multiple  
2 bases to stop the vehicle, and then they had a  
3 valid, legal purpose to search it.

4 And then the statement afterward is done  
5 right. They did the -- exactly what they should  
6 have done. They Mirandized him, made sure he  
7 understood his rights, and then he gave an  
8 incriminating statement. He's just upset about what  
9 he's facing right now.

10 This motion should be denied, Your Honor.

11 THE COURT: All right. Mr. Nkrumah?

12 MR. NKRUMAH: May I, Your Honor?

13 THE COURT: You may, sir.

14 MR. NKRUMAH: Your Honor, Mr. Freeman asks  
15 that this motion be granted in its entirety and the  
16 contraband that was found during the search and his  
17 statements suppressed.

18 Your Honor, this isn't as clean-cut as the  
19 prosecution would like to make -- make it -- sound  
20 it -- sound it out to be.

21 It's troubling, Your Honor, when  
22 experienced detectives -- we're not talking police  
23 officers; we're talking detectives -- can -- it's  
24 troubling when they don't know where they're at,



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1 where they can -- where they cannot only not know  
2 where they're at but also inform the judicial  
3 commissioner incorrectly about the events that  
4 occurred at that time. Your Honor, it's important  
5 for the police officer to know where they are.

6 As Detective Redding testified, there is  
7 no -- it's important because the streets -- cross  
8 streets, Your Honor, they're not the same on Johnson  
9 and Hale. Even if Johnson and Hale do -- does  
10 change after a certain point, the cross sections,  
11 they're not the same. The intersections, they're  
12 not the same. And Johnson Street is a different  
13 street than Hale. It's important that these  
14 officers get it right, and they didn't. They  
15 testified today that it was Johnson. Detective Kent  
16 testified to the judicial commissioner of Shelby  
17 County that it was Hale.

18 As far as the speeding is concerned, Your  
19 Honor, it's literally impossible to pace someone on  
20 a city street. Based on the fact, Your Honor, that  
21 you need distance, based on the fact, Your Honor,  
22 that once you've gotten -- once you've gotten to a  
23 speed where you believe that the vehicle is -- is  
24 traveling at, comparable to your vehicle -- which

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1 you have to check your speedometer in order to do --  
2 it's literally impossible because the stop signs and  
3 just the busyness of a street to pace a vehicle on a  
4 street. It would have to be no other vehicles on  
5 the street. There would have to be -- there would  
6 have to be a distance of more than half a car  
7 length, Your Honor, in order to properly pace a  
8 vehicle.

9           Detective Redding testified that he was  
10 maybe a half a car length because they were able to  
11 read the license plate on the vehicle. Your Honor,  
12 pacing also means spacing, and there was not enough  
13 spacing for them to -- for them to get an adequate  
14 read -- approximate read on the speed that the  
15 vehicle was traveling.

16           They also testified, Your Honor, that the  
17 license plate was no good.

18           Detective Kent testified that normal  
19 practice was to go through dispatch, was to radio  
20 dispatch about where they were, about what the stop  
21 is. I submit, Your Honor, normal practice is to go  
22 through dispatch also to run registrations. That  
23 wasn't done in this case. We don't know when they  
24 received the information that the license plate was

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1 no good. A ticket doesn't corroborate the fact that  
2 they got that information before they pulled the  
3 vehicle over or after they pulled the vehicle.

4 Your Honor, they also testified about a  
5 turn signal. What -- no cam recording, no dashcam  
6 recording, no body-cam recording. We basically have  
7 to take these officers at their word, officers that  
8 we know -- know that it's not important to know  
9 where they are, believe that it's not important to  
10 know where the offense occurred, that the only  
11 importance is the offense occurred.

12 Your Honor, I don't say that these  
13 officers are deliberately trying to mislead the  
14 Court. My proposition, Your Honor, is that the --  
15 the fact that nothing that the officers testified to  
16 was corroborated and the fact that these officers'  
17 testimony greatly differs from the actual events  
18 that occurred. Going eastbound and westbound --  
19 even if you don't know the streets, if you're facing  
20 southbound, like Detective Kent testified to, you  
21 know which way is east and west.

22 These officers, with five-plus years of  
23 experience -- detectives, not just regular police  
24 officers, detectives -- they don't know east or

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1 west, but they want this court to believe they don't  
2 know east and west.

3 Your Honor, based on -- based on the  
4 troubling discrepancies in the testimonies, based on  
5 the contradictions in the -- in their reports as  
6 opposed to what they testified to, Your Honor, we  
7 can't say that this stop was supported by probable  
8 cause or reasonable suspicion.

9 What's telling, Your Honor, is Detective  
10 Redding testified that as soon as he approached  
11 Mr. Mason, the first thing he asked him -- the first  
12 thing he asked him, What do you have in the car that  
13 I should be aware of? He doesn't inform him why he  
14 stopped them. He doesn't tell them, You were  
15 speeding; your license plate is this; your license  
16 plate is no good; you didn't turn. None of that.  
17 The very first thing he says, What do you have in  
18 the car that I should know about?

19 This stop wasn't because of a traffic  
20 violation. This stop was a fishing expedition, a  
21 "hopefully maybe something will be found" stop.

22 What's telling is the officers' words.  
23 Didn't ask for -- didn't ask him why he was riding  
24 with a expired license tag, didn't ask him why he

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1 was speeding, didn't ask him why he didn't turn --  
2 didn't turn on his turn signals when he turned, none  
3 of that. They questioned them about what was in the  
4 vehicle, where they were going, what they were  
5 doing, but nothing about why they stopped. That's  
6 telling.

7           Your Honor, they also testified that after  
8 the stop, after the search, that they took  
9 Mr. Freeman and Mr. Mason down. Now, they knew that  
10 it was Mr. Mason's vehicle. They knew that  
11 Mr. Mason had already admitted to possession of the  
12 marijuana, and they find the drugs. And according  
13 to Detective Kent, they're both arrested. According  
14 to Detective Redding, only one is arrested. The  
15 other one is sent for questioning. So we don't even  
16 know, based on the testimony of the detectives, if  
17 Mr. Freeman is under arrest or not.

18           They take him down to the precinct, and he  
19 gives a statement, after being read his Miranda  
20 rights.

21           Your Honor, I submit that the attenuation  
22 that's needed in order to -- in order to -- in order  
23 for this court not to suppress the contraband or the  
24 statements is not here. It's not found. There was

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1 no time. Everything happened one right after the  
2 other. It was no time for recollection; there was  
3 no time for reflection by Mr. Freeman, nothing.  
4 Everything happened one, two, three: the stop,  
5 taking them out the vehicle, putting them in the  
6 back of the vehicle, the search of the vehicle.  
7 That all happened within a matter of minutes, within  
8 a matter of minutes: taking them down to the  
9 precinct, reading them their rights. And in -- in  
10 interrogating them -- in which the interrogation was  
11 not long, Your Honor, because they both testified  
12 that Mr. Freeman just gave it up, that he didn't go  
13 back and forth with them. He didn't try to lie to  
14 them; he just gave it up.

15           There was just not enough time that  
16 passed, Your Honor, in order -- in order to make  
17 this stop, which I submit was illegal, to make  
18 the -- make the contraband that was found after the  
19 stop and the statement that was given -- to make  
20 them inadmissible. And I would ask that this court  
21 suppress the contraband and the statements that was  
22 given by Mr. Freeman and grant his motion in its  
23 entirety.

24           Thank you, Your Honor.

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1 THE COURT: Thank you, sir.

2 Counselors, thank you for your  
3 presentations and argument. The Court will receive  
4 a copy of the transcript of the hearing, both on the  
5 4th and today, as soon as possible, and we'll get a  
6 report and recommendation filed to work with.

7 Anything else from the parties?

8 MR. ALLEN: No, Your Honor. My witness  
9 has been under subpoena. Can I let them go?

10 THE COURT: They may -- they're released.

11 MR. ALLEN: Thank you, Judge.

12 THE COURT: Thank you very much.

13 MR. NKRUMAH: Thank you, Your Honor.

14 THE COURT: All right. Everybody have a  
15 good day.

16

17 (WHEREUPON, THE PROCEEDINGS CONCLUDED

18 AT APPROXIMATELY 12:02 P.M.)

19

20

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23

24

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1 C E R T I F I C A T E

2 STATE OF TENNESSEE:

3 COUNTY OF SHELBY:

4  
5 I, LASHAWN MARSHALL, RPR, LCR #367, Licensed  
6 Court Reporter, in and for the State of Tennessee,  
7 do hereby certify that the above proceeding was  
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10 and ability.

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12 I further certify that I am not related to  
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